

## Minors on college campuses: Evaluating your legal liability

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Individuals under the age of eighteen have always been present on campus in various capacities, including as enrolled students, prospective students, summer camp attendees, athletic recruits, visitors and enrollees in on-campus child care facilities. With the growth of College Credit Plus programs, it is expected that the presence of minors on campus will further increase in the coming years.

In the aftermath of the Jerry Sandusky scandal in 2011, many campuses began to examine their policies and practices regarding minors on campus. Like this situation, programs involving minors are often run by multiple departments that may or may not be treating similar situations in a comparable—and protective—manner. In light of increased attention on sexual assault issues and their complexities, it may be time to revisit your policies and practices that address minors on campus.

But where do you start? Here are ten suggestions for you to consider when evaluating your current practices to determine if they adequately protect your college or university and the minors on your campus.

1. **Figure out who is on campus, when and why.** If your campus does not have an office that oversees use of campus facilities outside of classes and other college-sponsored events, consider consulting with individual departments to determine what programs take place and who is using facilities, particularly over the summer, to ensure that contingencies are considered and appropriate protections are in place.
2. **Decide whether it's a college program.** In situations where a coach or professor is running a program or workshop, it might not always be clear whether they are doing it in their official capacity as an employee of the college or whether they are using the facilities for their own purposes. Consider the specifics of each situation to determine appropriate contracts, waivers and insurance coverage where necessary.
3. **Better define your relationships.** If a third party is running a program for minors on campus, consider whether a contract would be appropriate to anticipate problems, provide insurance coverage and assign liability ahead of time.
4. **Create separation.** When an outside organization is operating a camp on campus, take steps to separate your college from the organization so that participants are clear about which entity exercises control over the program. Legal counsel can help advise on how to create such separation to insulate the college from liability.
5. **Check your insurance policies.** Your coverage in such cases may depend on your organization's compliance with certain requirements, such as background checks for individuals involved with minors. Your insurance company may even have preferred practices for dealing with minors that could help you in revising your current policies. Ensure that you are compliant with your current policy so that you do not find your organization without coverage when it needs it most.
6. **Consider waivers.** While minors cannot be held to contracts that they sign prior to their eighteenth birthday, waivers signed by parents may be useful, depending on the situation. Consult with legal counsel to determine whether it is

appropriate to have parents of participants in programs for minors sign waivers as a condition of participation.

7. **Train your summer staff and student hosts.** Title IX training for your faculty, students and staff is likely front and center on your to-do list for this coming fall, but are you also thinking about training seasonal staff and student hosts on how to handle harassment, discrimination, sexual assaults, accidents and injuries? Are individuals aware of proper precautions to take when working with minors, such as never being alone with a minor, not communicating with minors outside of the program (*i.e.* through social media or texting) and maintaining professional boundaries when dealing with minors? When your organization is running the program, this training is critical, particularly when trained staff members may not be as readily available on an evening or weekend or during breaks.
8. **Informed participants are safer participants.** Training your staff is not enough; you must also train participants in college programs. Make sure participants in programs for minors understand the rules of conduct and know how to report misconduct. Orient students on how to be safe on campus, including how to avoid crimes, what to do in an emergency, how to contact security and any other safety rules that may be helpful while participating in the program.
9. **Kids will be kids.** No matter how much training you provide minor participants, their inexperience and the expansive opportunities of college life may get them into unexpected situations. Provide proper supervision, particularly in residential settings, and set curfews when appropriate to help protect participants.
10. **When in doubt, report.** The law requires, and best practice suggests, that certain misconduct must be reported. For example, except in certain confidential situations, Ohioans have an obligation to report felonies to law enforcement. It is a best practice to report suspected child abuse to Children Services or law enforcement, and some employees may have a mandatory duty to do so, depending on their role. Responsible employees (often, all employees) must report harassment and discrimination to the Civil Rights Coordinator. Make sure that employees know when to report and to whom such reports should be made.

Careful consideration of your current practices will help keep your campus safer and hopefully reduce your risk of liability if the unthinkable occurs.

If you would like more information or assistance on evaluating your policies and procedures to ensure legal compliance and the protection of minors, please contact one of our [Colleges & Universities](#) attorneys.

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